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11 Attorneys for Defendant  
ATLANTIC MUTUAL INSURANCE COMPANY  
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14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 ELECTRONICS FOR IMAGING, INC.

17 Plaintiff,

18 v.

19 ATLANTIC MUTUAL INSURANCE CO.,

20 Defendant.  
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Case No. C 06-3947 CRB

**STIPULATION AND ~~PROPOSED~~  
ORDER MODIFYING BRIEFING  
SCHEDULE FOR CROSS-MOTIONS  
FOR SUMMARY JUDGMENT ON THE  
DUTY TO DEFEND**

Hon. Charles R. Breyer

1 WHEREAS, Plaintiff Electronics for Imaging, Inc. ("EFI") intends to file a motion for  
2 partial summary judgment that Defendant Atlantic Mutual Insurance Co. ("Atlantic Mutual") had  
3 a duty to defend the claims against EFI by J&L Electronics LLC in *J&L Electronics, LLC v.*  
4 *Electronics For Imaging, Inc.*, case numbers CV-S-020266-KJD-LRL (D. Nev.), CV 04-0914  
5 PHX (D. Ariz.), and 05 0619 MJJ (N.D. Cal.), and that Atlantic Mutual breached that duty; and

6 WHEREAS, Atlantic Mutual intends to file a cross-motion for summary judgment that it  
7 had no duty to defend; and

8 WHEREAS, the Court has set a hearing date for the cross-motions of December 15,  
9 2006; and

10 WHEREAS, the parties mutually agree that a modified briefing schedule involving  
11 simultaneous opening briefs and then simultaneous oppositions, with no reply briefs, would be  
12 more appropriate and efficient for the parties and the Court; and

13 WHEREAS, this stipulation does not decrease the amount of time provided to the Court  
14 to review the motion papers pursuant to Civil Local Rule 7-3;

15 IT IS HEREBY STIPULATED THAT

16 1. Plaintiff and defendant shall each file their moving papers on or before November  
17 10, 2006 (the parties recognize that date is a federal holiday); and

18 2. Plaintiff and defendant shall each file an opposition brief responding to the other  
19 side's moving papers on or before December 1, 2006.

20 3. No further briefs shall be filed by either side without a prior Court order.

21 IT IS SO STIPULATED.

22  
23 DATED: October 5, 2006

**KERR & WAGSTAFFE LLP**

24  
25 By 

Michael von Loewenfeldt  
Adrian J. Sawyer

26  
27 Attorneys for Plaintiff  
28 ELECTRONICS FOR IMAGING, INC.

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3 DATED: October 5, 2006

SELVIN WRAITH HALMAN LLP

4  
5 By

*Rolf Lindenhayn*

Gary R. Selvin  
Rolf Lindenhayn

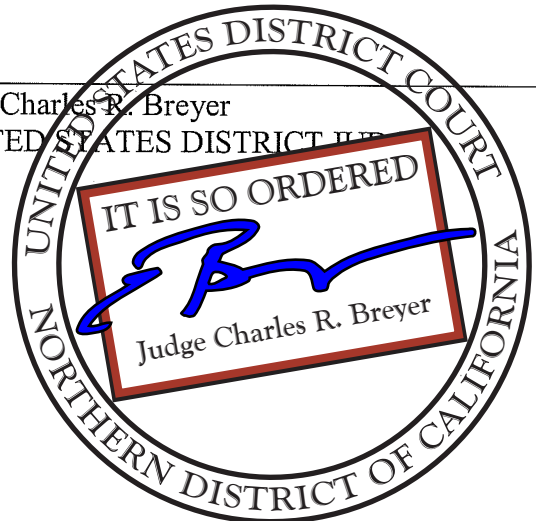
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7 Attorneys for Defendant  
ATLANTIC MUTUAL INSURANCE COMPANY  
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10 ~~PROPOSED ORDER~~

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12 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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14 DATED: October 06, 2006

15  
16 Hon. Charles R. Breyer  
UNITED STATES DISTRICT COURT



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19 Judge Charles R. Breyer  
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